



October 21, 1999

Mr. Leonard Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77341

OR99-2969

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128401.

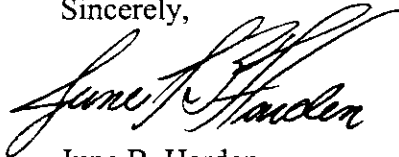
The Texas Department of Criminal Justice (the “department”) received written requests for “interview documentation for myself and selected applicant” regarding four job postings. You interpret the requests as seeking the respective interview questions and the desired responses, and contend that such information is excepted from required public disclosure pursuant to section 552.122(b) of the Government Code.

Section 552.122(b) excepts from required public disclosure “test item[s] developed by a . . . governmental body.” Section 552.122(b) is applicable only where the test items constitute a “standard means by which an individual’s or group’s knowledge or ability in a particular area is evaluated;” this exception does not apply to evaluations of an employee’s overall job performance or suitability. Open Records Decision No. 626 at 6 (1994). Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. *Id.*

After reviewing the information at issue, we generally agree that the questions asked of the applicants for the four job postings constitute a “standard means by which an individual’s or group’s knowledge or ability in a particular area is evaluated.” Furthermore, the applicants’ responses to most of those questions necessarily reveal the substance of the individual test items. We have marked the documents at issue to indicate the information that the department may withhold pursuant to section 552.122(b) of the Government Code. Any information not so marked must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/nc

Ref.: ID# 128401

cc: Ms. Kimberly Johnson
P.O. Box 6263
Huntsville, Texas 77340
(w/o enclosures)